

REMARKS

This reply is responsive to the Final Office Action mailed July 9, 2010 (the "Office Action"). Claims 4, 6–12, 18–20, 22 and 24 are pending and examined on the merits. Claims 18, 22, and 24 are amended. Support for the claim amendments can be found in the specification and claims as originally filed. No new matter is presented. Applicant respectfully requests reconsideration of the patent application in light of the following remarks.

Interview Summary

As an initial matter, Applicant thanks the Examiner for the indication of allowable subject matter in claims 4, 6–12, and 19–20. Additionally, Applicant also thanks the Examiner for the guidance provided during the telephonic interview on October 7, 2010. During the interview, the Examiner stated that claims relating to methods of treating chronic or acute allergic immune disorders would be more favorably considered if limited to the specifically enumerated diseases listed in claims 18, 22 and 24. However, the Examiner indicated that several of the diseases, namely systemic mast cell disorders and cerebrovascular disorders, would still pose enablement problems. Additionally, the Examiner suggested that amendments to delete language referring to prevention would also be more favorably considered.

Enablement — 35 U.S.C. § 112, first paragraph

Claims 13, 18, and 21–24 are rejected under 35 U.S.C. § 112, first paragraph, for alleged lack of enablement. Specifically, the claims are rejected for lacking an enabling disclosure for methods of preventing and treating any chronic or acute allergic immune disorder. The Office Action, however, states that the claims are enabled for methods of treating chronic or acute allergic immune disorders which are allergic asthma, rhinitis, rheumatoid arthritis, bronchial asthma, and sinusitis.

Claims 18, 22, and 24, as amended, relate to methods of treating chronic or acute allergic immune disorders comprising the administration of compounds of formula (I) wherein the disorders are allergic asthma, rhinitis, chronic obstructive pulmonary disease (COPD), dermatitis, inflammatory bowel disease, rheumatoid arthritis, allergic nephritis, conjunctivitis, atopic dermatitis, bronchial asthma, food allergy, anaphylactic shock, urticaria, eczema, itching, inflammation, ischemia-reperfusion injury, pleuritis, ulcerative colitis, Churg-Strauss syndrome, sinusitis, basophilic leukemia, or basophilic leukocytosis.

The specification provides those of skill in the art with ample guidance to enable the claimed invention. Guidance on how to use the claimed compounds in method of preventing or treating chronic or acute allergic immune disorders are provided in the specification. For example, the specification teaches that the compound of formula (I) is effective for preventing and treating chronic and acute allergic immune disorders. *See* Specification at 4-5. Further, the examples provide those of skill in the art with guidance on how to monitor the effects of the claimed compounds. *See* Specification at 101-103. Given this guidance, those of skill in the art would not need to engage in undue experimentation to practice the full scope of the claimed invention. However, simply in an effort to advance prosecution, the claims are amended to recite a method of treating chronic and acute allergic immune disorders, wherein the disorders are limited to allergic asthma, rhinitis, chronic obstructive pulmonary disease (COPD), dermatitis, inflammatory bowel disease, rheumatoid arthritis, allergic nephritis, conjunctivitis, atopic dermatitis, bronchial asthma, food allergy, anaphylactic shock, urticaria, eczema, itching, inflammation, ischemia- reperfusion injury, pleuritis, ulcerative colitis, Churg-Strauss syndrome, sinusitis, basophilic leukemia, or basophilic leukocytosis. Applicant respectfully submits that the amendments overcome the enablement rejection and respectfully requests withdrawal and reconsideration of the rejection.

Indefiniteness — 35 U.S.C. § 112, second paragraph

Claims 18, 22, and 24 are rejected under 35 U.S.C. § 112, 2nd paragraph, for alleged indefiniteness for the recitation of the phrase “wherein the disorder comprises.” Simply in an effort to advance prosecution, the term “comprises” is replaced with “is,” as suggested by the Examiner. Accordingly, Applicant respectfully requests withdrawal and reconsideration of the rejection.

Conclusion

In view of the above remarks, early notification of a favorable consideration and an indication of allowance of all claims is respectfully requested. If the Examiner has any questions relating to this response, or the application in general, she is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

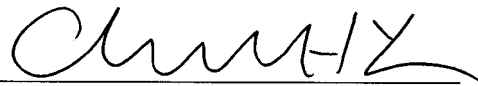
Applicant believes no fees are due with the filing of this response. However, should any fees be deemed necessary, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to the deposit account of Hunton & Williams, **Deposit Account No. 50-0206**.

Respectfully submitted,

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